

Appln. No. 10/720,782  
Amendment dated August 13, 2007  
Reply to Office Action mailed May 17, 2007

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims** (deleted text being struck through and added text being underlined):

1. (Original) A method for optimizing device performance, comprising:  
determining an operating system type;  
saving the operating system type in a data recorder; and  
loading a firmware module based on the saved type.
2. (Currently Amended) The method as described in claim 1, wherein the determining step comprises comparing at least one of the ~~dates~~ date, time and number of bytes of a common file of the operating system.
3. (Currently Amended) The method as described in claim 1, further comprising saving the operating system type in a specific address as ~~set by a virtual register like pointer~~.
4. (Currently Amended) The method as described in claim 3, wherein ~~the virtual register like pointer includes a current pointer to state and indicates the specific address one of the~~ specific operating system type.
5. (Original) The method as described in claim 4, further comprising incrementing the current pointer to describe changes in the operating system.
6. (Currently Amended) The method as described in claim 4, ~~wherein the virtual register like pointer includes~~ further including a second pointer to state which module to load for a specific operating system.
7. (Original) A program of instructions storable on a medium readable by an information handling system for causing the information

Appln. No. 10/720,782  
Amendment dated August 13, 2007  
Reply to Office Action mailed May 17, 2007

handling system to execute steps for optimizing device performance, the steps comprising:

- determining an operating system type;
- saving the operating system type in a data recorder,
- loading firmware module based on the saved type.

8. (Currently Amended) The method as described in claim 7, wherein the determining step comprises comparing at least one of the ~~dates~~ date, time and number of bytes of a common files of the operating system.

9. (Currently Amended) The method as described in claim 7, further comprising saving the operating system type in a specific address ~~as set by a virtual register like pointer.~~

10. (Currently Amended) The method as described in claim 9, wherein ~~the virtual register like pointer includes a current pointer to state and indicates the specific address one of the specific operating system type.~~

11. (Currently Amended) The method as described in claim ~~7~~10, further comprising incrementing the current pointer to describe changes in the operating system.

12. (Currently Amended) The program of instructions as described in claim ~~7~~ 10, wherein ~~the virtual register like pointer includes further including~~ a second pointer to state which module to load for a specific operating system.

13. (Original) An information handling system, comprising;  
a processor for executing a program of instructions on the information handling system;  
a memory coupled to the processor for storing the program of instructions executable by said processor;  
a device coupled to the processor; and

Appln. No. 10/720,782  
Amendment dated August 13, 2007  
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a data recorder coupled to the device;

wherein the program of instructions configures the information handling system to determine an operating system type, save the operating system type to the data recorder, and load a firmware module based on the saved type.

14. (Currently Amended) The information handling system as described in claim 13, wherein the information handling system determines the operating system by comparing at least one of the ~~dates~~ date, time and number of bytes of a common file of the operating system.

15. (Currently Amended) The information handling system as described in claim 13, further comprising saving the operating system type in a specific address ~~as set by a virtual register like pointer~~.

16. (Currently Amended) The information handling system as described in claim 15, wherein ~~the virtual register like pointer includes a current pointer to state and~~ indicates the specific address ~~one of the~~ specific operating system type.

17. (Original) The information handling system as described in claim 16, further comprising incrementing the current pointer to describe changes in the operating system.

18. (Currently Amended) The information handling system as described in claim 16, ~~wherein the virtual register like pointer includes~~ further including a second pointer to state which module to load for a specific operating system.

19. through 30. (Cancelled)

31. (New) The method as described in claim 1, additionally comprising providing a device with a data recorder.

Appln. No. 10/720,782

Amendment dated August 13, 2007

Reply to Office Action mailed May 17, 2007

32. (New) The method as described in claim 1, additionally comprising selecting a firmware module from a plurality of firmware modules based upon the operating system type saved in the data recorder.

33. (New) The method as described in claim 1, wherein the device is a disk drive.

34. (New) The method as described in claim 33, wherein the data recorder comprises a memory incorporated with the disk drive.

35. (New) The method as described in claim 1, wherein the data recorder is incorporated into the device.

36. (New) The method as described in claim 35, wherein the data recorder is removable from the device.

37. (New) The method as described in claim 1, wherein the data recorder comprises a memory with diagnostic information for the device stored thereon.